IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1353 OF 2002
WITH
CRIMINAL WRIT PETITION NO.506 OF 2005

Madan Gopal Nanulal Khandelwal ..Petitioner
V/s
The State of Maharashtra & Anr. ..Respondents.

Ms. B. Vaidya i/b Law Global for the petitioner.

Mrs. M.M. Deshmukh,A.P.P.for the respondents in W.P. 1353/2002.

Mr. S.D. Patil fir respondent No.6 In W.P. 506/2005

CORAM : S.C. DHARMADHIKARI, J.

DATE : 28TH SEPTEMBER, 2006.

P.C.

. The order under challenge in these petitions under Articles 227 of Constitution of India is on an application under section 457 of Code of criminal Procedure.

2. None dispute the facts that initially the application was filed when the case had not gone to trial. Now, the trial is concluded and it appears that the accused are acquitted of the charges. My attention is invited to the Judgment and Order of the Judicial

Magistrate, First Class, Dahanu dated 18th November, 2004 in Reg. Criminal Case No. 98/2002. The petitioner in these petitions is the original accused No.1.

3. In my view, considering the submissions of both sides, it would not be possible to resolve the issue of entitlement between Petitioner and Third Party in respect of the money/property and interest of justice would be subserved, if the order passed on 27th June, 2005 passed by this Court is continued for a period of 8 weeks to enable the parties to institute appropriate proceedings. Needless to state neither the order of the learned Magistrate nor any observations therein would constitute a bar or any impediment in either initiation or prosecution of such proceedings. It would also be open for the parties to apply for appropriate interim orders and directions in such proceedings.

4. Petitions are disposed of.

(S.C.DHARMADHIKARI, J.)